

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

In re:

AEARO TECHNOLOGIES LLC, *et al.*,¹

Debtors.

Chapter 11

Case No. 22-02890-JJG-11

Jointly Administered

**MOTION OF THE OFFICIAL CAE COMMITTEE FOR RECONSIDERATION OF
AND RELIEF FROM THE ORDER GRANTING DEBTORS' MOTION FOR
EXPEDITED HEARING AND/OR SHORTENED NOTICE**

The Official Committee of Unsecured Creditors for Tort Claimants – Related to Use of Combat Arms Version 2 Earplugs (the “CAE Committee”)² moves for reconsideration of and relief from the Order granting the Debtors’ *Motion for Expedited Hearing and/or Shortened Notice Time* [Dkt. No. 467] (the “Motion for Expedited Relief”) [Dkt. No. 467] with respect to its *Motion for Authority the Debtors' Motion for Entry of an Order (I) Appointing the Honorable James M. Carr and Randi S. Ellis as Co-Mediators to Mediate the Chapter 11 Plan and Confirmation Related Matters, (II) Referring Such Matters to Mediation, (III) Directing the Mediation Parties to Participate in the Mediation, and (IV) Granting Related Relief*, filed by Jeffrey A Hokanson on behalf of Debtor Aearo Technologies LLC (the “Mediation Motion”) [Dkt. No. 465].

1. As discussed during yesterday’s hearing, all parties seem to have an interest in negotiating a global resolution, and the Court was encouraged by that. But a global resolution of

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are set forth in the *Debtors’ First Day Motion for Entry of an Order (I) Directing Joint Administration of Chapter 11 Cases and (II) Granting Related Relief* [Bankr. Docket No. 7]. The location of the Debtors’ service address for the purposes of these chapter 11 cases is 7911 Zionsville Road, Indianapolis, Indiana 46268.

² On August 30, 2022, the Office of the United States Trustee appointed the CAE Committee [D.I. 393].

all claims by all claimants – asserted against 3M Company and, at least in name, the Debtors – will not come overnight, and there is no need to scramble over the next few days to arrange such a mediation, let alone respond to the Debtors’ unilateral motion that one be ordered.

2. There is a mediation about to get underway in the MDL, and that mediation will cover the wide majority of creditor claims in these cases – those Combat Arms Earplug claims asserted in the MDL. The essential parties to that mediation – the MDL plaintiffs and 3M (the party, if not fully responsible previously, fully responsible now under the Funding Agreement, to pay those claims) – will be present. The Debtors are also invited to attend.

3. It would behoove all parties in these cases to allow and encourage the principal creditor body in these cases to attempt to make settlement progress with the Debtors’ funder, and tortfeasor in its own right, 3M. Without such progress, there cannot be a global resolution, in all events, and commencing two mediations at the same time – one in the MDL and one in these cases – is counterproductive, to say the least.

4. Accordingly, the Committee requests that the Motion for Expedited Relief be denied and the Mediation Motion be scheduled, on regular notice, for the next omnibus hearing scheduled in these cases.

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Dated: September 8, 2022
Indianapolis, Indiana

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By: /s/ Meredith R. Theisen

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CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2022 a copy of the foregoing *Motion of the Official CAE Committee for Reconsideration of and Relief from the Order Granting Debtors' Motion for Expedited Hearing and/or Shortened Notice* was filed electronically. Notice of this filing will be sent to parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on September 8, 2022, a copy of the foregoing *Motion of the Official CAE Committee for Reconsideration of and Relief from the Order Granting Debtors' Motion for Expedited Hearing and/or Shortened Notice* was either mailed by first-class U.S. Mail, postage prepaid, or electronic mail as indicated and properly addressed to the following:

None.

/s/ Meredith R. Theisen

Meredith R. Theisen